

**Superior Town Council
Town Council Meeting**

**Thursday, February 21, 2008
Superior Senior Center
Superior, Arizona**

M I N U T E S

A. Call to Order

Mayor Hing called the meeting to order at 7:09 p.m.

B. Salute to the Flag

Mayor Hing led the council, staff and audience in the pledge.

C. Opening Prayer

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

D. Roll Call

Members Present: Councilmember Cervantes, Second Vice Mayor Lopez, Mayor Hing, Councilmember Peralta, Councilmember Heglie, First Vice Mayor Valenzuela

Members Absent: Councilmember Marquez

A quorum was present and the meeting continued.

E. Consent Agenda

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

Approval of Minutes for Regular Meeting February 7, 2008

Disbursements for the months of January and February 2008 in the amount of \$291,515.96

Councilmember Heglie made a motion to approve the consent agenda. Second Vice Mayor Lopez seconded the motion. Mayor Hing abstained from voting on checks 19229, 19260 and 19304 made out to his business. The motion passed unanimously.

F. Communication

Managers Report – Ms. Cordova

Magma Hotel – Ms. Cordova explained that the process will be complete in 20 days. Councilmember Peralta asked why all the hotel structures were not torn down. Ms. Cordova explained that it could not all be torn down under the abatement process because not all of the structures were considered a safety hazard and could not be demolished under the state of emergency. Mayor Hing requested that at the next meeting staff provide an update on the total cost to the town on the demolition and clean up of the property. Members of the council also expressed that they want to make sure that all areas of the building are safe and will not endanger the public. They addressed the fact that many of the window openings still have broken glass in them and also that there are loose bricks on the building. Council requested that staff ensure the public's safety in the area and asked if the sidewalk in front of the building could remain closed. Mr. Pryor stated that at this time the property owners have been issued other citations on the property. First Vice Mayor Valenzuela stated that he was not confident with Wildan and also stated that the town should look for a new engineering firm. Mayor Hing explained that Wildan has been involved with many of the committee meetings and that they have been able to assist the town. Councilmember Heglie stated that the discussion on Wildan should be brought up at the Council Retreat.

US Highway 60 – Ms. Cordova asked Ms. Brothers to give a briefing on the US 60 expansion kick off meeting she attended earlier that day. Ms. Brothers stated that many experts are involved in this development including one expert who analyzes road kill. Councilmember's asked several questions regarding the route, timelines and ability to make comments. Ms. Brothers explained that this meeting was a kick off meeting and they presented several different routes and alternates and stated that as far as a timeline this project is several years away from even finalizing the route. She explained this meeting did not allow for any public comments but was more for the local entities to hear presentations on the project. Ms. Brothers explained that it is important that Superior stay involved with these meetings.

Staffing – First Vice Mayor Valenzuela requested an update on new hires. Ms. Cordova stated that she hired two temporary employees to cover the emergency shortfall due to recent vacancies and that one of those two has been laid off.

CDBG – Ms. Cordova explained that the council may have to have another public hearing regarding the CDBG improvements to the pool.

Planning and Zoning – Ms. Cordova explained that she has scheduled a meeting with planning and zoning commission for a work session to discuss the text amendments for the approved Amendments to the General Plan and Zoning Codes. She stated that the council is encouraged to attend the work session on March 13, 2008 she also explained that there will be a public hearing regarding the one time override election.

NALEO – Ms. Cordova explained that hotel reservations have been made for the NALEO conference in Washington DC. She stated that any councilmember wishing to attend should let her know so arrangements could be made. Councilmember's Peralta and Heglie, First Vice Mayor Valenzuela and Second Vice Mayor Lopez made indications that they plan on attending the NALEO conference.

Budget Preparations – Ms. Cordova stated that the council would need to host a budget meeting/workshop. She stated either a Saturday in March or early April. Council explained they felt that early April would be best. Ms. Cordova asked about the first Saturday in April.

Police Department – Chief Digirolamo introduced Officer Richard Drennen as the new officer. He explained that the officer is training with other officers on the force. Officer Drennen explained that he was happy to be on board with Superior and he has seen how Superior is changing.

Call to the Public

Mayor Hing announced the call to the public. He explained that anyone wishing to speak now could only speak directly to the Council and only for items not on the current agenda.

Pamela Rabago –stated that the owner has taken care of the loose bricks and broken windows in the Magma Hotel, she also explained that the contractors working on the demolition did not properly secure the building. Ms. Rabago also stated that the public should be informed about the ADOT meetings on the US 60 expansion. She stated that the towns all have to stick together. Ms. Rabago reminded the council that the Community Clean Up is on April 5th and that is the first Saturday in April. She explained that council may want to consider moving the retreat date because it is nice to have the council at the clean up.

Mr. Gutierrez – suggested to the council that they consider holding off on putting gates in front of each stall of the food court area. He suggested fencing off the entire area. He stated this would keep the entire area secure.

Business

Possible Discussion and/or action on the following

Discuss/Approve/Reject Intergovernmental Agreement between the Arizona Department of Revenue and the Town of Superior regarding sharing of taxpayer information.

Ms. Cordova explained this IGA will allow the Town to share taxpayer information with the Department of Revenue and would assist the town in making sure it is

receiving all of the tax revenue it is entitled too. Councilmember Heglie made a motion to enter into the IGA with the Arizona Department of Revenue. Councilmember Peralta seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject releasing bond to Superior Highlands II

Ms. Cordova explained that at this time the Superior Highlands have met all of their requirements for the subdivision and the subdivision has been built. She said the Wildan has signed off on all requirements and the town can now legally release the bond back to developers who built phase II of the Superior Highlands. Councilmember Cervantes explained that when this subdivision was built the developer had removed part of a fence that was a boundary to school district property and the fence was never put back up. Councilmember Peralta stated that originally the school board requested that this fence be put back up after the construction was completed. Ms. Cordova explained that the fence was not part of the checklist that was required to be completed to release the bond and delaying the release could create legal issues for the town. Ms. Cordova offered to contact the school and to put the school in contact with the developer of Superior Highlands II for them to address the issue of the fence. Councilmember Peralta made a motion to table the release of the bond and bring it item back to the next meeting. Councilmember Cervantes seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject CAP Water payment installment agreement

Ms. Cordova explained that she was requesting approval to pay for the Towns allotment of CAP water with an installment plan instead of a lump sum and that actual agreement to accept the water rights was already approved. She explained that the town would pay five annual installments of \$41,700 plus \$5,985 per year for their allotment of the water. The annual cost of the allotment of \$5,985 will continue every year. Ms. Cordova explained that the Town may relinquish their water rights with the approval of CAP to another entity. The assignment of rights would be a permanent transfer and would need to be an entity that would use the water for Superior. Ms. Cordova cautioned that the decision to relinquish the Town's water rights would require careful consideration and professional recommendations. Mr. Beers suggested to consult with an expert or attorney who specializes in water laws. Councilmember Heglie made a motion to accept the installment agreement. Second Vice Mayor Lopez seconded the motion. Mayor Hing directed staff to get a consultant to review the agreement and its terms. The motion passed unanimously.

Discuss/Approve/Reject Resolution No. 470 a Resolution of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona restructuring and formalizing Town Committees for the purpose of making recommendations in an advisory role to Town Council, Setting Procedures, Repealing Resolution 442 and other conflicting provisions

Ms. Cordova explained that in the past few years several committees were set up to assist the town with Economic Development. She stated that the committees needed to be structured to determine which committees have advisory roles to council. She

explained that this resolution would reaffirm the Community Development Committee, Recreation Committee, and Planning and Zoning commission. She added that some committees and subcommittees have disbanded for different reasons. She stated that this resolution would clarify which committees are special project committees or task force working with staff. She stated that she was also requesting to change the name of the Economic Development Committee to the Community Development Committee and this would allow for this committee to serve as the committee to advise on the use of the social impact funds provided by Resolution Copper should the Land Exchange happen.

Mayor Hing stated that the committees have worked hard but many of them have disbanded because there was not activity within the committee. He explained how the WiFi Committee worked to develop the WiFi project and provided the project management needed. He also stated that when the original resolution was drafted it did not explain the legal issues with the open meeting law and the need to post agendas and keep official minutes. Mayor Hing explained that there were members of the public who wished to speak regarding this matter.

Ms. Magallanez stated that she has concerns on how this resolution has been written. She stated that section 6 is stated that the Town Manager has approval to create and disband committees as needed without any action from the Council. Ms. Magallanez stated that she felt the committees are not informed on these changes and more research and time should be taken on the wording of the resolution. She also explained that sections 7-12 were missing from the resolution.

Ms. Cordova explained that numbering from section 6 was a typographical error she also stated that the Community Development Committee will be the committee making recommendations to council but other sub committees such as the talk trash committee will not make recommendations to council.

Councilmember Peralta explained that she did not know why a resolution when it seems only a name change is needed for the committees to make things work legally.

Mr. Pfohl stated that recently he was appointed to the Economic Development Committee for his role in the Crime Free Committee. He stated this group was started as a grass roots effort to support the police department and make people aware of crime and criminal activities. He stated that many of these groups have been volunteering many hours to develop these committees and have been successful in deploying projects that support the town. He stated this resolution as it is worded would be detrimental to the future success of the committees and their subcommittees. He requested that the council hold off on approving the resolution until more planning and conversations can be held.

Mr. Gutierrez explained he was disappointed to see this resolution on the agenda because the Economic Development Committee was not informed of this resolution

and they had not input on this. He explained that structure is needed but the way this has been presented was not done with any professional courtesy and or input from the Economic Development Committee.

Councilmember Peralta volunteered to assist with staffing the committee and being the statutory agent for the committees if needed. She also called for other members of the council to also step up and volunteer to staff the committees.

Councilmember Cervantes stressed to Ms. Cordova the council and the audience that these committees have been successful and they have been served by many volunteers who have been working hard to support the town and its economic development efforts. He stated that it was not up to the town manager to disband any of these groups without council approval.

Councilmember Peralta made a motion to table this resolution. Councilmember Cervantes seconded the motion. The motion passed unanimously.

Mayor Hing stated that he will personally work with the Manager and the Committees to develop a structure for the committees.

Discuss/Approve/Reject Resolution No. 471 a Resolution of the Mayor and Council of the Town of Superior, Pinal County, Declaring that said council deems the granting of a One-Time Override to Exceed the Expenditure Limitations for the fiscal year 2008-2009 beneficial for the Town of Superior; presenting the arguments for this proposal; ordering public hearings and the acceptance of arguments.

Ms. Cordova stated that this election was needed in order for the town to continue to operate. She explained that a public hearing would be held to allow residents to submit arguments regarding the override. Mayor Hing asked Ms. Cordova to read the resolution heading. Ms. Cordova read the resolution heading. Councilmember Heglie made a motion to approve Resolution 471. Second Vice Mayor Lopez seconded the motion. A roll call vote was conducted. The motion passed unanimously.

Council Comments

Councilmember Peralta

No Comments

Councilmember Heglie

No Comments

Councilmember Cervantes

No Comments

Councilmember Marquez

Absent

Second Vice Mayor Lopez

Informed the council, staff and the public about an information meeting Pinal County was conducting regarding the land use plans for Pinal County.

First Vice Mayor Valenzuela

Congratulated the Boys and Girls Basketball Teams and Wrestling Teams for their efforts in the state championship tournaments. He thanked them for representing Superior.

Vice Mayor Valenzuela stated that he sees a lot of chaos going on. He referenced the comments he receives about people saying certain things and then some of those things have not really been said. He stressed to Ms. Cordova that these things come back to her and that she should be in control of these things. He stated that he has asked her on numerous occasions to be more involved with the community, and to meet with people. He said that he does not feel that she is accomplishing anything. He reminded Ms. Cordova of her promise that if at any time any council member would ask her to leave, she would leave and that at this time he was asking her to leave. He stated that the constituents are not happy and he is not happy.

Mayor Hing

No Comments

Councilmember Peralta

Councilmember Peralta asked to make a brief comment. Councilmember Peralta explained that she has received comments on a lot of different issues and the one thing that she hears is that Ms. Cordova does not have the best interest of the town at heart.

Ms. Cordova asked to respond to these comments. Mayor Hing allowed her to address the comments. Ms. Cordova stated that she stands by her word on what she told council members. She added that she would be giving her written resignation and 30 day notice according to her contract.

Mayor Hing announced that there would not be an executive session.

J. Executive Session

K. In Public Session

Adjournment

Councilmember Peralta made a motion to adjourn the meeting. Councilmember Heglie seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:50 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 21st Day of February 2008. I further certify that the meeting was duly called and held and that a quorum was present.

/s/ Rosie Cordova_____
Rosie Cordova
Town Manager/Clerk

These minutes have been transcribed and compiled by Mila Lira
Miracle Executive Services, www.miracleexecutiveservices.com